

REMARKS

Claims 1, 20, and 21 have been amended to clarify the subject matter regarded as the invention. Claim 22 is new. Claims 1 – 8 and 10 – 22 are pending.

Claims 1 – 20 have been rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Independent claims 1 and 20 have been amended, respectively, to recite “using the determined offset to retrieve the record from the collection of records on a *storage device*” and “*a storage device* on which the collection of records is stored”. As amended, claims 1 and 20 are believed to be directed towards statutory subject matter. Claims 2 – 19 depend from claim 1 and are believed to be directed towards statutory subject matter for the same reasons described above.

Independent claims 1, 20, and 21 have been rejected under 35 U.S.C. §102(b) as being anticipated by St. Pierre et al. (hereinafter referred to as St. Pierre).

Independent claims 1, 20, and 21 have been amended to recite “determining an offset, from a beginning of a collection of records, indicating where a record associated with the file system element is located within the collection of records, wherein: the record includes metadata related to stored data to be used to restore the file system element; and the offset varies in accordance with the lengths of other records in the collection of records, if any, that are located before said record”. For convenience and without limitation, one example is described in Figure 2 and page 6, line 17 – page 7, line 4. In that example, records 200A – 200D are located (in that order) in a collection and the respective offsets of records 200A – 200D vary in accordance with the lengths of those records (if any) located before a given record.

In rejecting the step of determining, the Examiner pointed to reference numbers 92, 94, and 96 of Figure 9, Col. 12, lines 9 – 15, and Col. 18, lines 47 – 52 in St. Pierre. Those portions of St. Pierre describe a backup process, not a restore process. Figure 19C and the corresponding description in Col. 24, line 41 – Col. 25, line 26 of St. Pierre describe a restore process. In that example, the only metadata shown is bit mask 198c and the restore process described in Col. 24, line 41 – Col. 25, line 26 does not describe determining an offset. For example, St. Pierre does not describe determining an offset for 196dd where the offset is from the beginning of 198c and

varies in accordance with the lengths of 196aa – 196cc. Amended claims 1, 20, and 21 are therefore believed to be allowable over St. Pierre.

Claims 2 – 8, 10 – 19, and 22 depend from claim 1 and are believed to be allowable for the same reasons described above.

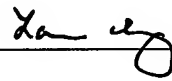
Claim 22 is new. For convenience and without limitation, support for claim 22 can be found on page 6, lines 17 – 18.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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